

### **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

#### **LISTING OF CLAIMS**

1-15. (Cancelled)

16. (Currently Amended) A vehicle occupant restraint device mounted on a back of an occupant's seat, for restraining a shoulder of an occupant thereby to protect a body of said occupant against a motor vehicle accident comprising:

a drive unit for driving in response to a collision sense signal;

a rotating shaft adapted to be triggered by driving of said drive unit for instantaneously moving from an initial position to a predetermined target ~~position;~~  
position, the rotating shaft including:

an arm portion mounted on said rotating shaft thereto, the arm portion having a receiving portion for receiving a shoulder side of said occupant softly;

a flat shaft;

a spline shaft and a torsion spring for applying rotation of said flat shaft and said spline shaft;

a cam rotor for locking the applying force of said torsion spring usually engages with said flat shaft and said spline shaft;

a gear lock for transmitting the rotation of said drive unit, the gear lock engages with the cam rotor on a side of said flat shaft; and

a lock plate for locking said shoulder receiving portion at a predetermined position, the lock plate engages with the cam rotor on a side of said spline shaft and

~~a receiving portion mounted on the other end of said arm portion for receiving a shoulder side of said occupant softly.~~

17. (Cancelled)

18. (Currently Amended) A vehicle occupant restraint device as set forth in ~~claim 47~~ claim 16, wherein a lock state between said cam rotor and said gear lock on the side of said flat shaft and/or a lock state between said cam rotor and said lock plate on the side of said spline shaft can be easily released.

19. (Currently Amended) A vehicle occupant restraint device as set forth in claim 16, wherein said drive unit is ~~made of~~ selected from one of a motor ~~or an~~ and an electromagnetic actuator.

20. (Previously Presented) A vehicle occupant restraint device as set forth in claim 16, wherein said rotating shaft is disposed at or near an upper side end portion of the back of said seat, and said arm portion with curved shape is supported with said rotating shaft having rotate capability.

21. (Previously Presented) A vehicle occupant restraint device as set forth in claim 16, wherein said shoulder receiving portion includes a support pad for receiving the shoulder side of said occupant softly and a support plate for supporting said support pad; and said support pad is made of an elastic member.

22. (Previously Presented) A vehicle occupant restraint device as set forth in claim 16, wherein said shoulder receiving portion includes a support pad for receiving the shoulder side of said occupant softly and a support plate for supporting said support pad; and said support pad includes a small airbag.

23. (Previously Presented) A vehicle occupant restraint device as set forth in claim 22, comprising an air pump or an inflator unit as a supply source for supplying gas to said airbag.

24. (Previously Presented) A vehicle occupant restraint device as set forth in claim 23, wherein said rotating shaft and said arm portion are provided with gas supply passages for supplying the gas from said air pump or said inflator unit to said airbag.

25. (Currently Amended) A vehicle occupant restraint device as set forth in ~~claim 24~~ claim 31, wherein at least one of said spline shaft ~~and/or or~~ said flat shaft are provided with a notch as a portion of said gas supply passages in a circumference of said at least one spline shaft ~~and/or or~~ said flat shaft.

26. (Currently Amended) A vehicle occupant restraint device as set forth in ~~claim 24~~ claim 31, wherein said arm portion is provided with an L-shaped gas passage as a portion of said gas supply passages at a root portion of said arm portion.

27. (Cancelled)

28. (Previously Presented) A vehicle occupant restraint device as set forth in claim 16, wherein said shoulder receiving portion and/or said rotating shaft are returned to the initial positions so that they can be reused after an action of said vehicle occupant restraint device.

29. (Cancelled)

30. (Currently Amended) A vehicle occupant restraint device as set forth in claim 16,  
in combination with an [[An]] occupant restraint system, the occupant restraint system  
having ~~having~~—a shoulder top restraint device for restraining a shoulder top of an  
~~occupant is the occupant~~ mounted on ~~one side~~ a first side of the back of [[an]] the  
occupant's seat; ~~and an wherein the occupant restraint device as set forth in claim 16 is~~  
mounted on ~~the other~~ a second side of said back.

31. (New) A vehicle occupant restraint device mounted on a back of an occupant's seat, for restraining a shoulder of an occupant thereby to protect a body of the occupant against a motor vehicle accident comprising:

- a drive unit for driving in response to a collision sense signal;

- a rotating shaft adapted to be triggered by driving of the drive unit for instantaneously moving from an initial position to a predetermined target position, the rotating shaft provided with a gas supply passage;

- an arm portion mounted on the rotating shaft, the arm portion provided with a gas supply passage;

- a receiving portion mounted on the other end of the arm portion for receiving a shoulder side of the occupant, the shoulder receiving portion includes a support pad for receiving the shoulder side of the occupant and a support plate for supporting the support pad, and the support pad includes an airbag; and

- a supply source for supplying gas to the airbag.